



# Wyoming Valley West School District

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Office of the Superintendent

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FCC Mail Room

July 26, 2011

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12th Street, SW  
Washington, DC 20554

CC Docket No. 02-6

Appeal and Request for FCC Review of SLD "Funding Commitment Decision Letter" Dated June 23, 2011

Funding Year: 2011  
Applicant Name: Wyoming Valley West School District  
Form 471 Number: 781904  
FRN Number: 2116249  
Billed Entity Number: 126028

Contact Information: Ronald K. MacClay, Director  
Educational Consortium for Telecommunications Savings  
Suite 410  
790 Newtown-Yardley Road  
Newtown, PA 18940

Dear FCC Staff:

This letter of appeal is being filed on a timely basis to request that the FCC review and reverse the SLD's decision to deny funding for Form 471 #781904, FRN Number 2116249. The denial reason states: "FCC rules require that a contract be signed and dated by applicant prior to the filing of the Form 471 for the products/services requested. This requirement was not met." While the contract technically was not signed before the Form 471 was submitted, it was signed well before the Form 471 window closed, and well after the Form 470 Allowable Contract Date. It was an inadvertent error that a new Form 471 was not submitted correcting the contract information before the Form 471 deadline.

The Form 470 #374460000864461 was filed on October 28, 2010. After following all required local, state and E-rate competitive bid review and evaluation procedures, the Wyoming Valley West School District selected Sunesys, LLC (SPIN number 143019764) as its service provider for Wide Area Network/Digital Transmission Service for the District. This selection was made in early February 2011 well after the required 28 day waiting period and Allowable Contract Date of November 25, 2010 had passed.

On February 23, 2011 the District filed its Form 471, inadvertently listing the service as a month-to-month service instead of a contracted service. The Form 471 was filed a month before the Form 471 deadline in an attempt to comply with the SLD's stated request for early filing well before the close of the application window.

No. of Copies rec'd \_\_\_\_\_  
List A B C D E \_\_\_\_\_

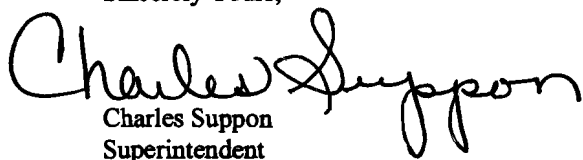
The agreed-upon contract was formally approved by the School Board at its next meeting on March 9, 2011. The contract, signed by the Board President on March 9th, was provided to PIA staff during their review of the District's 471 application. PIA staff, recognizing that the contract was dated after the Form 471 was filed, had no choice but to deny the funding request.

The District should have cancelled the original FRN and submitted another Form 471 to align the Form 471 submission date with the contract signing date – an act that could have been done within the Form 471 application window. The original 471 #781904 was submitted in good faith and in no way did the filing error affect the District's compliance with competitive bidding requirements or its service provider selections within these requirements.

Although the District jumped the gun in submitting its Form 471, all required bid and provider selection procedures were followed. There was no waste, fraud or abuse involved in any way. All steps were taken and arrangements in place within the Form 471 application window.

Because of the District's good faith efforts to comply with all E-rate, state and local requirements, and the importance of the WAN services and E-rate funding to the District and its students, we respectfully request that the FCC direct the SLD to reverse its decision to deny funding of \$11,169.72.

Sincerely Yours,

  
Charles Suppon  
Superintendent

Encl: Funding Commitment Decision Letter, June 23, 2011

Certified Mail Number: 7011 0470 0001 7282 6316

Return Receipt Requested



Universal Service Administrative Company

Schools and Libraries Division

**FUNDING COMMITMENT DECISION LETTER**  
(Funding Year 2011: 07/01/2011 - 06/30/2012)

June 23, 2011

SHERRY LORENZO  
WYOMING VALLEY WEST DISTRICT  
790 NEWTOWN-YARDLEY ROAD  
SUITE 410  
NEWTOWN, PA 18940

Re: Form 471 Application Number: 781904  
Billed Entity Number (BEN): 126028  
Billed Entity FCC RN: 0011990702  
Applicant's Form Identifier: 14WYOMINGVALLEYWESTSL

Thank you for your Funding Year 2011 application for Universal Service Support and for any assistance you provided throughout our review. The current status of the funding request(s) in the Form 471 application cited above and featured in the Funding Commitment Report(s) (Report) at the end of this letter is as follows.

- The amount, \$40,684.70 is "Approved."
- The amount, \$11,169.72 is "Denied."
- The amount, \$7,665.98 is "Cancelled."

Please refer to the Report following this letter for specific funding request decisions and explanations. The Universal Service Administrative Company (USAC) is also sending this information to your service provider(s) so preparations can begin for implementing your approved discount(s) after you file FCC Form 486, Receipt of Service Confirmation Form. A guide that provides a definition for each line of the Report is available in the Reference Area of our website.

**NEXT STEPS**

- Work with your service provider to determine if you will receive discounted bills or if you will request reimbursement from USAC after paying your bills in full
- Review technology planning approval requirements
- Review CIPA requirements
- File Form 486
- Invoice USAC using the Form 474 (service provider) or Form 472 (Billed Entity applicant) - as products and services are being delivered and billed

**TO APPEAL THIS DECISION:**

You have the option of filing an appeal with the SLD or directly with the Federal Communications Commission (FCC).

If you wish to appeal a decision in this letter to USAC, your appeal must be received by USAC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and (if available) email address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the letter and the decision you are appealing:
  - Appellant name,
  - Applicant name and service provider name, if different from appellant,
  - Applicant BEN and Service Provider Identification Number (SPIN),

- Form 471 Application Number 781904 as assigned by USAC,
- "Funding Commitment Decision Letter for Funding Year 2011," AND
- The exact text or the decision that you are appealing.

3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.
4. If you are the applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are the service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

To submit your appeal to USAC by email, email your appeal to [appeals@sl.universalservice.org](mailto:appeals@sl.universalservice.org). USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to USAC by fax, fax your appeal to (973) 599-6542.

To submit your appeal to USAC on paper, send your appeal to:

Letter of Appeal  
 Schools and Libraries Division - Correspondence Unit  
 30 Lanidex Plaza West  
 PO Box 685  
 Parsippany, NJ 07054-0685

If you wish to appeal a decision in this letter to the FCC, you should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in the "Appeals Procedure" posted in the Reference Area of our website. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

#### OBLIGATION TO PAY NON-DISCOUNT PORTION

Applicants are required to pay the non-discount portion of the cost of the products and/or services to their service provider(s). Service providers are required to bill applicants for the non-discount portion. The FCC stated that requiring applicants to pay their share ensures efficiency and accountability in the program. If USAC is being billed via the FCC Form 474, the service provider must bill the applicant at the same time it bills USAC. If USAC is being billed via the FCC Form 472, the applicant pays the service provider in full (the non-discount plus discount portion) and then seeks reimbursement from USAC. If you are using a trade-in as part of your non-discount portion, please refer to our website for more information.

#### NOTICE ON RULES AND FUNDS AVAILABILITY

Applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the Schools and Libraries Program. Applicants who have received funding commitments continue to be subject to audits and other reviews that USAC and/or the FCC may undertake periodically to assure that funds that have been committed are being used in accordance with all such requirements. USAC may be required to reduce or cancel funding commitments that were not issued in accordance with such requirements, whether due to action or inaction, including but not limited to that by USAC, the applicant, or the service provider. USAC, and other appropriate authorities (including but not limited to the FCC), may pursue enforcement actions and other means of recourse to collect improperly disbursed funds. The timing of payment of invoices may also be affected by the availability of funds based on the amount of funds collected from contributing telecommunications companies.

Schools and Libraries Division  
 Universal Service Administrative Company

FUNDING COMMITMENT REPORT  
Billed Entity Name: WYOMING VALLEY WEST DISTRICT  
BEN: 126028  
Funding Year: 2011

Comment on RAL corrections: FRN(s) modified in accordance with a RAL request.

Form 471 Application Number: 781904  
Funding Request Number: 2116225  
Funding Status: Funded  
Category of Service: Telecommunications Service  
Form 470 Application Number: 616320000832926  
SPIN: 143018324  
Service Provider Name: Choice One Communications of Pennsylvania Inc.  
Contract Number: C  
Billing Account Number: N/A  
Multiple Billing Account Numbers: N  
Service Start Date: 07/01/2011  
Service End Date: N/A  
Contract Award Date: 09/16/2010  
Contract Expiration Date: 06/30/2014  
Shared Worksheet Number: 1292622  
Number of Months Recurring Service Provided in Funding Year: 12  
Annual Pre-discount Amount for Eligible Recurring Charges: \$35,990.40  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00  
Pre-discount Amount: \$35,990.40  
Discount Percentage Approved by the USAC: 71%  
Funding Commitment Decision: \$25,553.18 - FRN approved; modified by SLD  
Funding Commitment Decision Explanation: MR1: The FRN was modified from \$3548.00/mo to \$2999.20/mo to agree with the applicant documentation.

FCDL Date: 06/23/2011  
Wave Number: 001  
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2012  
Consultant Name: Sherry Lorenzo  
Consultant Number (CRN): 16024807  
Consultant Employer: Educational Consortium for Telecom Savings

FUNDING COMMITMENT REPORT  
Billed Entity Name: WYOMING VALLEY WEST DISTRICT  
BEN: 126028  
Funding Year: 2011

Comment on RAL corrections: FRN(s) modified in accordance with a RAL request.

Form 471 Application Number: 781904  
Funding Request Number: 2116228  
Funding Status: Funded  
Category of Service: Telecommunications Service  
Form 470 Application Number: 374460000864461  
SPIN: 143001398  
Service Provider Name: Verizon Pennsylvania Inc.  
Contract Number: MTM  
Billing Account Number: 717 192-3750  
Multiple Billing Account Numbers: Y  
Service Start Date: 07/01/2011  
Service End Date: 06/30/2012  
Contract Award Date: N/A  
Contract Expiration Date: N/A  
Shared Worksheet Number: 1292622  
Number of Months Recurring Service Provided in Funding Year: 12  
Annual Pre-discount Amount for Eligible Recurring Charges: \$4,584.00  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00  
Pre-discount Amount: \$4,584.00  
Discount Percentage Approved by the USAC: 71%  
Funding Commitment Decision: \$3,254.64 - FRN approved as submitted

FCDL Date: 06/23/2011  
Wave Number: 001  
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2012  
Consultant Name: Sherry Lorenzo  
Consultant Number (CRN): 16024807  
Consultant Employer: Educational Consortium for Telecom Savings

FUNDING COMMITMENT REPORT  
Billed Entity Name: WYOMING VALLEY WEST DISTRICT  
BEN: 126028  
Funding Year: 2011

Comment on RAL corrections: FRN(s) modified in accordance with a RAL request.

Form 471 Application Number: 781904  
Funding Request Number: 2116232  
Funding Status: Funded  
Category of Service: Telecommunications Service  
Form 470 Application Number: 374460000864461  
SPIN: 143025240  
Service Provider Name: AT&T Mobility  
Contract Number: MTM  
Billing Account Number: 834104524  
Multiple Billing Account Numbers: N  
Service Start Date: 07/01/2011  
Service End Date: 06/30/2012  
Contract Award Date: N/A  
Contract Expiration Date: N/A  
Shared Worksheet Number: 1292622  
Number of Months Recurring Service Provided in Funding Year: 12  
Annual Pre-discount Amount for Eligible Recurring Charges: \$4,248.00  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00  
Pre-discount Amount: \$4,248.00  
Discount Percentage Approved by the USAC: 71%  
Funding Commitment Decision: \$3,016.08 - FRN approved as submitted

FCDL Date: 06/23/2011  
Wave Number: 001  
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2012  
Consultant Name: Sherry Lorenzo  
Consultant Number (CRN): 16024807  
Consultant Employer: Educational Consortium for Telecom Savings

FUNDING COMMITMENT REPORT  
Billed Entity Name: WYOMING VALLEY WEST DISTRICT  
BEN: 126028  
Funding Year: 2011

Comment on RAL corrections: FRN(s) modified in accordance with a RAL request.

Form 471 Application Number: 781904  
Funding Request Number: 2116237  
Funding Status: Funded  
Category of Service: Telecommunications Service  
Form 470 Application Number: 374460000864461  
SPIN: 143019623  
Service Provider Name: Nextel Partners, Inc.  
Contract Number: MTM  
Billing Account Number: 243134083  
Multiple Billing Account Numbers: N  
Service Start Date: 07/01/2011  
Service End Date: 06/30/2012  
Contract Award Date: N/A  
Contract Expiration Date: N/A  
Shared Worksheet Number: 1292622  
Number of Months Recurring Service Provided in Funding Year: 12  
Annual Pre-discount Amount for Eligible Recurring Charges: \$11,580.00  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00  
Pre-discount Amount: \$11,580.00  
Discount Percentage Approved by the USAC: 71%  
Funding Commitment Decision: \$8,221.80 - FRN approved as submitted

ECDL Date: 06/23/2011  
Wave Number: 001  
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2012  
Consultant Name: Sherry Lorenzo  
Consultant Number (CRN): 16024807  
Consultant Employer: Educational Consortium for Telecom Savings



FUNDING COMMITMENT REPORT  
Billed Entity Name: WYOMING VALLEY WEST DISTRICT  
BEN: 126028  
Funding Year: 2011

Comment on RAL corrections: FRN(s) modified in accordance with a RAL request.

Form 471 Application Number: 781904  
Funding Request Number: 2116241  
Funding Status: Not Funded  
Category of Service: Internet Access  
Form 470 Application Number: 374460000864461  
SPIN: 143026430  
Service Provider Name: Edline, LLC  
Contract Number: MTM  
Billing Account Number: N/A  
Multiple Billing Account Numbers: N  
Service Start Date: 07/01/2011  
Service End Date: 06/30/2012  
Contract Award Date: N/A  
Contract Expiration Date: N/A  
Shared Worksheet Number: 1292622  
Number of Months Recurring Service Provided in Funding Year: 12  
Annual Pre-discount Amount for Eligible Recurring Charges: \$.00  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$10,797.15  
Pre-discount Amount: \$10,797.15  
Discount Percentage Approved by the USAC: 71%  
Funding Commitment Decision: \$0.00 - CANCELED due to RAL request.  
Funding Commitment Decision Explanation: FRN canceled in accordance with a RAL request submitted by Sherry Lorenzo received on 03/25/2011.

FCDL Date: 06/23/2011  
Wave Number: 001  
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2012  
Consultant Name: Sherry Lorenzo  
Consultant Number (CRN): 16024807  
Consultant Employer: Educational Consortium for Telecom Savings

FUNDING COMMITMENT REPORT  
Billed Entity Name: WYOMING VALLEY WEST DISTRICT  
BEN: 126028  
Funding Year: 2011

Comment on RAL corrections: FRN(s) modified in accordance with a RAL request.

Form 471 Application Number: 781904  
Funding Request Number: 2116249  
Funding Status: Not Funded  
Category of Service: Telecommunications Service  
Form 470 Application Number: 374460000864461  
SPIN: 143019764  
Service Provider Name: Sunesys, LLC  
Contract Number: C  
Billing Account Number: N/A  
Multiple Billing Account Numbers: N  
Service Start Date: 07/01/2011  
Service End Date: N/A  
Contract Award Date: 03/09/2011  
Contract Expiration Date: 06/30/2015  
Shared Worksheet Number: 1292622  
Number of Months Recurring Service Provided in Funding Year: 12  
Annual Pre-discount Amount for Eligible Recurring Charges: \$15,732.00  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00  
Pre-discount Amount: \$15,732.00  
Discount Percentage Approved by the USAC: 71%  
Funding Commitment Decision: \$0.00 - Contract Violation  
Funding Commitment Decision Explanation: MR1: FRN modified in accordance with a RAL request. <><><><><> MR2: The Contract Award Date was changed from no date to 03/09/2011 to agree with the applicant documentation. <><><><><> MR3: The FRN was modified from Contract No. MTM to Contract No. C to agree with the applicant documentation. <><><><><> MR4: The FRN was modified from Contract End Date blank to Contract End Date 06/30/2015 to agree with the applicant documentation. <><><><><> DR1: FCC rules require that a contract be signed and dated by applicant prior to the filing of the Form 471 for the products/services requested. This requirement was not met.

FCDL Date: 06/23/2011

Wave Number: 001

Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2012

Consultant Name: Sherry Lorenzo

Consultant Number (CRN): 16024807

Consultant Employer: Educational Consortium for Telecom Savings

FUNDING COMMITMENT REPORT  
Billed Entity Name: WYOMING VALLEY WEST DISTRICT  
BEN: 126028  
Funding Year: 2011

Comment on RAL corrections: FRN(s) modified in accordance with a RAL request.

Form 471 Application Number: 781904  
Funding Request Number: 2133872  
Funding Status: Funded  
Category of Service: Internet Access  
Form 470 Application Number: 374460000864461  
SPIN: 143013564  
Service Provider Name: Comcast Cable Communications, LLC  
Contract Number: MTM  
Billing Account Number: 01603 839113-01-7  
Multiple Billing Account Numbers: N  
Service Start Date: 07/01/2011  
Service End Date: 06/30/2012  
Contract Award Date: N/A  
Contract Expiration Date: N/A  
Shared Worksheet Number: 1292622  
Number of Months Recurring Service Provided in Funding Year: 12  
Annual Pre-discount Amount for Eligible Recurring Charges: \$900.00  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00  
Pre-discount Amount: \$900.00  
Discount Percentage Approved by the USAC: 71%  
Funding Commitment Decision: \$639.00 - FRN approved as submitted

FCDL Date: 06/23/2011  
Wave Number: 001  
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2012  
Consultant Name: Sherry Lorenzo  
Consultant Number (CRN): 16024807  
Consultant Employer: Educational Consortium for Telecom Savings